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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,101

07/14/2003

John Irving

3800.05

5798

7590

12/29/2005

JAMES D. FORNARI, ESQ
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1020 PARK AVENUE
NEW YORK, NY 10028

EXAMINER

KIM, PAUL

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,101

Applicant(s)

IRVING ET AL.

Examiner

Paul Kim

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communication: Original Application filed on July 14, 2003.
2. Claim 1 is pending. Claim 1 is independent.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites “qualified individual” in line 4 of the claim. It is unclear whether this is intended to be the same as or different from “qualified individuals” in line 3 of the claim. Appropriate correction is required.

- a. Additionally, lines 5 and 9 recite “data.” It is unclear whether this is intended to be the same as or different from “data” found in lines 4, 6, and 8 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted

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on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Matthews et al (USPGPUB No. 2003/0050986, hereinafter referred to as MATTHEWS), filed on September 13, 2002, and issued on March 13, 2003.

11. Regarding **independent claim 1**, MATTHEWS teaches:

An apparatus for community generation by monitoring and filtering data transmission to screen unwanted material comprising

a community filter means to permit qualified individuals to join a specific community {See MATTHEWS, Para. 0046, lines 3-6, wherein this reads over “a private group can be joined by members of the community as approved The GA may, for example, restrict access to the group to a predefined list of users”; and Para. 0049, 9-13, wherein this reads over “the SPC module, which compares the user’s membership attributes to the group’s permission criteria to verify whether or not the user has permission to join this group”},

profile creation means to describe each qualified individual {See MATTHEWS, Para. 0026, lines 6-8, wherein this reads over “SMC module is configured, for example. To create a user and user profile in database”; and Para. 0028, lines 1-2, wherein this reads over “[d]atabase 130 is configured to store member attributes and group attributes”},

a hierarchical infrastructure for initially screening data to create a varying degrees of accessibility to input data {See MATTHEWS, Para. 0049, wherein this reads over “the SPC module may determine if the group is a private group by looking up the group’s public/private attribute in database”},

a dynamic search engine {See MATTHEWS, Para. 0025, lines 19-22, wherein this reads over “[f]ront-end server 230 may also comprise . . . a search engine”} to permit those members of the community to search the data initially screened within the limit permitted by the hierarchical infrastructure {See MATTHEWS, Para. 0047, lines 14-15, wherein this reads over “searches . . . may assist members in finding a group to join”},

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a dynamic filter controlled by a central location to permit monitoring and filtering of the data transmitted and structuring of the infrastructure {See MATTHEWS, Para. 0045, lines 10-13, wherein this reads over "GA may also monitor message board content by specifying certain keywords, and/or sentences for detecting/monitoring any inappropriate content"} and

a flagging filter component to scan messages and data prior to delivery {See MATTHEWS, Para. 0045, lines 13-15, wherein this reads over "if content added to a message board satisfies the criteria specified by the GA, an alert and/or email message may be sent to the GA to warn of possibly inappropriate content"}.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272 2737.

The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571)272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Kim
Examiner
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SAM RIMELL
PRIMARY EXAMINER